IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.50 OF 2006

Rukmini Shyam Bagul .. Petitioner

Versus

Dist.Dy.Registrar, Coop.

Societies Nashik & Ors. .. Respondents

Mr.S.M.Sabrad for petitioner

Mr.P.D.Jadhav for respondent Nos. 4 to 11

Mr.R.M.Patne, A.G.P. for State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 12th January 2006.

P.C.

. Heard Mr.Sabrad for petitioner, Mr.Patne,

A.G.P. for State and Mr.Jadhav for respondent Nos. 4 to 11.

2. Petition challenges order dated 4th Januay 2006 passed under section 731D read with Rule 57A of the Maharashtra Cooperative Societies Rules by which the Dist.Dy.Registrar has authorised Dy.Registrar, C.S. Nashik to convene meeting of Managing Committe of Nashik Dist.Primary Teachers' Cooperative Credit Society for consideration of no confidence motion proposed by respondent Nos. 4 to 11 herein.

3. Mr.Sabrad, learned Counsel appearing for petitioner who is Chairman of the society against whom the no confidence motion is proposed to be moved, contends that it is moved at the instance of persons who are admittedly disqualified as Directors of Managing Committee of the Society. He relies upon the order dated 28th November 2005 which has been passed by Dist. Dy.Registrar,

C.S.Nashik against one of the Director who has moved the proposed no confidence motion. He submits that the Divisional Jt.Commissioner was moved by the persons who have been disqualified and he has entertained their appeal and had granted interim stay to the decision/ order of first respondent herein. That order of stay passed on 7th December 2005 has been stayed by the Minister upon petitioner's filing a revision before him and, therefore, today, the position is that the order dated 28th November 2005 issued against respondent Nos. 12 to 14 would revive.

4. This position is disputed by learned Counsel for respondent Nos. 4 to 11 and he submits that even if the issue of disqualification is pending, in the light of the Supreme Court's decision reported in A.I.R. 1967 S.C. 112, that would not constitute a bar in they proposing a no confidence motion and for the authorities to take cognisance thereof and

convene a meeting at their instance.

5. In my view, considering that petitioner had applied to this Court earlier against orders of authorities, permitting the directors who were allegedly disqualified under bye-laws, to act as Directors and this Court setting aside that order in Writ Petition No.6216 of 2005, which thereafter resulted in further proceedings under section 78 of the Maharashtra Coop.Societies Act 1960, interest of justice would be served if the Divisional Joint Registrar decides the Appeal pending before him within a period of four weeks from today. The Dist.Dy.Registrar, C.S.Nashik as also Assistant Registrar, C.S. Yeola should not proceed further in the matter of no confidence motion proposed against petitioner till the appeal preferred before Divisional Joint Registrar by respondent Nos. 12 to 14 is decided on merits and in accordance with law. That would protect not only the petitioner, but also the

interest of respondents, who have proposed the No-confidence motion. It would be open for respondents including respondent Nos. 12 to 14 to take up the issue of No-confidence, after the Divisional Joint Registrar renders his decision and take such steps as are permissible in law. Petition disposed of. All contentions of both sides on merits are kept open.

(S.C.DHARMADHIKARI, J)